IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CONTEMPT PETITION NO.127 OF 2007

Chidambaram Mulraj and Company Pvt. Ltd. : Petitioner

V/s.

Shri Manikchand J. Tatia & Ors. : Respondents

(Resp.Nos.5 to 22 are Contemnors)

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Mr.Shrihari Aney, Senior Advocate, with Mr.G. Ardesir and Mr.M. Padgaonkar i/b. Mulla & Mulla & Craigie Blunt & Caroe for the petitioner.

Ms Smita Mane with Ms Gunjan Shah for resp. nos.1 to 4.

Mr.S.M.Gorwadkar for respondent nos.5,6,9,11,12,16 to 21, 25, 28 to 30, 32 & 33.

Mr.A.N.Khan i/b. M/s.Tripathi & Co., for respondent no.35.

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CORAM : S.A.BOBDE, J.

DATE : OCTOBER 24, 2007.

P.C.

Mr.Gorwadkar, the learned counsel for the respondent nos.5,6,9,11,12, 16 to 21, 25, 28 to 30, 32 & 33, tenders affidavit in which compliance of the order dated 1.10.2002 is averred. Mr.Aney, the learned counsel for the petitioner, states that in view of the said affidavit, there is no case for proceeding with the Contempt Petition at this stage. Ms Smita Mane for respondent nos.1 to 4 states that the said respondents do

not accept the deponent's statement in the affidavit as regards possession. However, from the affidavit it is clear at this stage that the allegation of wilful disobedience of the order need not be proceeded with. The Contempt Petition is, therefore, disposed of, reserving to all the parties the right to raise all contentions, including the issue of possession as and when occasion arises.

S.A. BOBDE, J.